

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

831I0612

HOUSE BILL NO. 1163

Introduced by: Representatives Peterson (Bill), Cutler, Elliott, Frost, Hennies, Konold, Kroger, Miles, Sebert, Smidt, Solum, Van Etten, and Wick and Senators McCracken, Abdallah, Brown, Duniphan, Kloucek, Koetzle, Kooistra, Moore, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to hunting in public
2 rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-9-1.1 be amended to read as follows:

5 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
6 unimproved section lines not commonly used as public rights-of-way, and highways within parks
7 or recreation areas or within or adjoining public shooting areas or game refuges posted for
8 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
9 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
10 rights-of-way within this state that meet the requirements of § 41-9-1.3. For purposes of this
11 section, hunting on highways or other public rights-of-way includes the taking of small game
12 while in the air, irrespective of whether the game is flying over the right-of-way, highway, or
13 private adjoining land. No person, except the adjoining landowner or any person receiving
14 written permission from the adjoining landowner, may use such highways or rights-of-way for



1 the purposes of hunting defined in this title within six hundred sixty feet of an occupied dwelling,
2 a church, schoolhouse, or livestock. No person, except the adjoining landowner or any person
3 receiving written permission from the adjoining landowner, may use such highways or
4 rights-of-way for the purpose of trapping within six hundred sixty feet of an occupied dwelling,
5 church, or schoolhouse. A violation of this section is a Class 2 misdemeanor. If any person is
6 convicted of knowingly discharging a firearm within six hundred sixty feet of any occupied
7 dwelling, church, or schoolhouse for which such distance has been clearly and accurately marked
8 and posted, the court shall, in addition to any other penalty, revoke the person's hunting
9 privileges for a period of one year from the date of conviction.